

nominees to the Second Circuit, but we have made a strong effort to ameliorate them. Unfortunately an unexpected illnesses have taken their toll on the Second Circuit, but we have done our part in committee. Two of the four nominees to that court are pending on the Senate floor, the other two recently had a hearing, and I expect will be voted out of Committee on Thursday.

Apparently, President Clinton has not shared this sense of urgency with regard to the Second Circuit. In fact, of the five current vacancies on that court, one sat without a nominee for almost two years, another did not receive a nominee for over ten months, and the other waited just over eight months to receive a nominee. Most disturbing of all is the seat vacated by Senior Judge Jon Newman, vacant since July 1, 1997, which is yet to receive a nominee. As I have stated so often before, I'm a pretty good chairman of the Judiciary Committee, but I can't get judges confirmed that have not been nominated.

Now, while the debate about vacancy rates on our federal courts is not unimportant, it remains more important that the Senate perform its advice and consent function thoroughly and responsibly. Federal judges serve for life and perform an important constitutional function, without direct political accountability to the people. Accordingly, the Senate should never move too quickly on nominations before it. Just this past year we saw two examples of what can happen when we try to move nominations along perhaps too quickly. In one instance, a nominee for a federal district court was reported out of the Judiciary Committee before all the details of her record as a state trial judge were known. As it happens, the District Attorney in the nominee's city, who happened to be of her party, and the district attorneys' association in her home state all publicly opposed the nomination, setting forth facts demonstrating a very serious anti-prosecution bias in her judicial record. It's cases like these that underscore the importance of proceeding very deliberately with nominations for these most important life-tenured positions.

Let me make an important point here: federal judges should not be confirmed simply as part of a numbers game to reduce the vacancy rate to a particular level. While I plan to continue to oversee a fair and principled confirmation process, as I always have, I want to emphasize that the primary criteria in this process is not how many vacancies need to be filled, but whether President Clinton's nominees are qualified to serve on the bench, and will not, upon receiving their judicial commission, spend a lifetime career rendering politically motivated, activist decisions. The Senate has an obligation to the American people thoroughly to review the records of the nominees it receives to ensure that they are capable and qualified to serve

as federal judges, and as part of that assessment of qualification, to ensure that nominees properly understand the limitations of the judicial role.

Clearly, I believe the Committee has done its part. I hope to continue to work with the Administration and with Senator LEAHY to ensure that qualified individuals will serve on the federal bench.

MEMORIAL DAY 1998

Mr. HATCH. Mr. President, since the Civil War, more than 1.1 million American veterans have lost their lives in service to our Nation. I am humbled by their sacrifice.

I am grateful for the price they have paid for our liberty, the terrible price of individual lives, of men and women who were part of families. As we approach this Memorial Day, I want to pause a moment during this debate to remember their gift.

I am especially proud of Utah's proud tradition of honorable service. The story of the Mormon pioneers who made the grueling trek across the plains and over the Great Divide to escape persecution, in search of religious freedom is well known. Perhaps less well known is the story of the Mormon battalion.

Mr. President, in 1846, while there was an active order in effect in the state of Missouri for the extermination of Mormons, these Americans who had been driven from their homes in Nauvoo, Illinois, were asked to assemble a battalion of 500 men. With their ranks and strength already significantly depleted by disease, hardship, and persecution, most would have understood if the story had ended with an indignant refusal to respond to the request.

Instead, led by Brigham Young, these fathers, brothers, and sons who had seen their rights as Americans trampled, stepped forward to answer their country's call. I might mention that among them was a young man named Orrin Hatch.

This same, passionate willingness to serve one's country still thrives throughout my state. I remember today and honor the 147,000 veterans throughout the state of Utah who have honorably served. But, on Memorial Day, we especially remember those who left in service to our country but who did not return. They have preserved freedom for all generations who followed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one treaty and sun-

dry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE RATIFICATION OF THE PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC—MESSAGE FROM THE PRESIDENT—PM 129

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

I am gratified that the United States Senate has given its advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic.

The Senate's decisive vote was a milestone on the road to an undivided, democratic and peaceful Europe. The message this vote sends is clear: American support for NATO is firm, our leadership on both sides of the Atlantic is strong, and there is a solid bipartisan foundation for an active U.S. role in transatlantic security.

I thank Majority Leader Lott, Minority Leader Daschle, Senators Helms and Biden, Senator Roth and the members of the NATO Observer Group, and the many others who have devoted so much time and energy to this historic effort. The continuous dialogue and consultation between the Administration and the Congress on this issue was a model of bipartisan partnership. I am committed to ensuring that this partnership continues and deepens as we proceed toward NATO'S 50th anniversary summit next year in Washington.

The resolution of ratification that the Senate has adopted contains provisions addressing a broad range of issues of interest and concern, and I will implement the conditions it contains. As I have indicated following approval of earlier treaties, I will of course do so without prejudice to my authorities as President under the Constitution, including my authorities with respect to the conduct of foreign policy. I note in this connection that conditions in a resolution of advice and consent cannot alter the allocations of authority and responsibility under the Constitution.

WILLIAM J. CLINTON.
THE WHITE HOUSE, May 21, 1998.

REPORT CONCERNING THE RATIFICATION OF THE PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC—MESSAGE FROM THE PRESIDENT—PM 130

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

In accordance with the resolution of advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic, adopted by the Senate of the United States on April 30, 1998, I hereby certify to the Senate that:

In connection with Condition (2), (i) the inclusion of Poland, Hungary, and the Czech Republic in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO; (ii) the United States is under no commitment to subsidize the national expenses necessary for Poland, Hungary, or the Czech Republic to meet its NATO commitments; and (iii) the inclusion of Poland, Hungary, and the Czech Republic in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area; and

In connection with Condition (3), (A) the NATO-Russia Founding Act and the Permanent Joint Council do not provide the Russian Federation with a veto over NATO policy; (B) the NATO-Russia Founding Act and the Permanent Joint Council do not provide the Russian Federation any role in the North Atlantic Council or NATO decision-making including (i) any decision NATO makes on an internal matter; or (ii) the manner in which NATO organizes itself, conducts its business, or plans, prepares for, or conducts any mission that affects one or more of its members, such as collective defense, as stated under Article V of the North Atlantic Treaty; and (C) in discussions in the Permanent Joint Council (i) the Permanent Joint Council will not be a forum in which NATO's basic strategy, doctrine, or readiness is negotiated with the Russian Federation, and NATO will not use the Permanent Joint Council as a substitute for formal arms control negotiations such as the adaptation of the Treaty on Conventional Armed Forces in Europe, done at Paris on November 19, 1990; (ii) any discussion with the Russian Federation of NATO doctrine will be for explanatory, not decision-making purposes; (iii) any explanation described in the preceding clause will not extend to a level of detail that could in any way compromise the effectiveness of NATO's military forces, and any such explanation will be offered only after NATO has first set its policies on issues affecting internal matters; (iv) NATO will not discuss any agenda item with the Russian Federation prior to agreeing to a NATO position within the North Atlantic Council on that agenda item; and (v) the Permanent Joint Council will not be used to make any decision on NATO doctrine, strategy, or readiness.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 21, 1998.

REPORT CONCERNING THE RATIFICATION OF THE PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC—MESSAGE FROM THE PRESIDENT—PM 131

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the resolution of advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic, adopted by the Senate of the United States on April 30, 1998, I hereby certify to the Congress that, in connection with Condition (5), each of the governments of Poland, Hungary, and the Czech Republic are fully cooperating with United States efforts to obtain the fullest possible accounting of captured and missing U.S. personnel from past military conflicts or Cold War incidents, to include (A) facilitating full access to relevant archival material, and (B) identifying individuals who may possess knowledge relative to captured and missing U.S. personnel, and encouraging such individuals to speak with United States Government officials.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 21, 1998.

REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR CALENDAR YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 132

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I am pleased to present to you the 32nd annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with advancing scholarship and knowledge in the humanities. The NEH supports an impressive range of humanities projects advancing American scholarship and reaching millions of Americans each year.

The public has been enriched by many innovative NEH projects. These included a traveling exhibit, companion book, and public programming examining the history and legacy of the California Gold Rush on the occasion of its Sesquicentennial. Other initiatives promoted humanities radio programming and major funding for the critically acclaimed PBS series, "Liberty! The American Revolution."

The NEH is also utilizing computer technologies in new and exciting ways. Answering the call for quality humanities content on the Internet, NEH partnered with MCI to provide EDSITEMent, a website that offers scholars, teachers, students, and parents a link to the Internet's most promising humanities sites. The NEH's "Teaching with Technology" grants have made possible such innovations as a CD-ROM on art and life in Africa and a digital archive of community life during the Civil War. In its special report to the Congress, "NEH and the Digital Age," the agency examined its past, present, and future use of technology as a tool to further the humanities and make them more accessible to the American public.

This past year saw a change in leadership at the Endowment. Dr. Sheldon Hackney completed his term as Chairman and I appointed Dr. William R. Ferris to succeed him. Dr. Ferris will continue the NEH's tradition of quality research and public programming.

The important projects funded by the NEH provide for us the knowledge and wisdom imparted by history, philosophy, literature, and other humanities disciplines, and cannot be underestimated as we meet the challenges of the new millennium.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 21, 1998.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:07 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2472. An act to extend certain programs under the Energy Policy and Conservation Act.

H.R. 3301. An act to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the State, was read the first and second times by unanimous consent and referred as indicated:

H.R. 2807. An act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with